UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,726	02/06/2004	Donna N. Dillenberger	YOR919990295US2 (12764A)	8601

23389	7590	07/21/2009

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ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
07/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31 and 34* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *31, 34* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 31, 34 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bacon et al., Patent No. 6,430,538 (hereafter Bacon) in view of Tulpules et al., Patent

No. 4,980,824 (hereafter Tulpules) in view of DeBettencourt et al., Patent No. 6,279,001

(hereafter DeBettencourt) further in view of Eng et al., Pub. No. 2001/0039549

(hereafter Eng).

4.   Bacon was cited in the previous office action.

5.   As per claims 34, Bacon teaches a method of distributing work through a cluster

of workstations for efficient distributed processing, said cluster having a plurality of

workstations interconnected over a network, the method comprising:

        receiving a work request at a first processing node (Column 4, lines 21-25);

        classifying, at said first processing node, the work request into one or more tasks

(Column 4, lines 38-47);

assigning said one or more tasks to one or more router devices at said first

processing node, a router device for receiving and distributing a specific task of a

particular class of work (Column 4, lines 39-57);

dispatching said assigned one or more tasks for execution at a second

processing workstation at a second processing node having an execution module

residing therein (Column 5, lines 56-60), the execution module at said second

processing node comprising one or more initiators (Column 4, lines 50-55: each actor,

agent, client or element from a work group may each correspond to an initiator) for

instantiating one or more objects to execute a respective work task (Column 5, lines 23-

25, lines 28-30, lines 40-47, lines 60-65; Column 13, lines 54-61: Java objects, CORBA

objects, logic elements all corresponds to objects instantiated by the initiators), said

initiators dynamically registering with a router to indicate readiness to accept work for

processing (Column 6, lines 65-66), upon completion of said respective work tasks,

each said one or more initiators providing to said respective router the completed work

task at said first processing node and providing system specific statistics data associate

with said initiator (Column 8, lines 1-40; Column 11, lines 1-23; Column 5, lines 35-37);

queuing ready initiators at a respective router device based on said categorized

initiator performance (Column 6, line 65-Column 7, line 8; Column 8, lines 15-40).

Bacon teaches scheduling and distributing work using information provided by

the initiators and further performing load balancing (Column 11, lines 1-23; Column 5,

lines 35-37), but Bacon does not specifically teach router queues wherein each said

router queue associated with a work task at a different phase of completion to flow

through said cluster of work station, computing performance statistics of a router queue

and said one or more initiators, a performance statistic including a total response time

from dispatching of a work task from that router queue at said first processing node to

an initiator at said second processing node, and the receipt of the completed work task

at the router queue from that initiator, said total response time used to determine the

performance of an initiator and categorize the initiator performance for determining said

one or more initiators best suited to execute said one or more tasks and wherein said

best performing initiators are given priority for receiving new tasks from a respective

router; and said objects instantiated by an initiator with a generic class name passed to

the initiator by said router but having a different implementation specific to a node in

which said initiator resides to enable use of system specific resources and enable a

single version of an application to run on each node.

   However, Tulpule teaches wherein a plurality of queues each associated with a

work task at a different phase of completion to flow through said cluster of work station

(Column 4, lines 19-33) for the purpose of separating different types of tasks.

   It would have been obvious to one having ordinary skill in the art at the time of

the applicant's invention to modify the teachings of Bacon with the specifics of wherein

a plurality of queues each associated with a work task at a different phase of completion

to flow through said cluster of work station, as taught by Tulpule, because this allows

the system to separate and differentiate between different types of tasks.

   Furthermore, DeBettencourt teaches computing performance statistics of a router

queue and said one or more initiators, a performance statistic including a total response

time from dispatching of a work task from that router queue at said first processing node to an initiator at said second processing node, and the receipt of the completed work task at the router queue from that initiator (Column 10, lines 17-30), said total response time used to determine the performance of an initiator and categorize the initiator performance for determining said one or more initiators best suited to execute said one or more tasks and wherein said best performing initiators are given priority for receiving new tasks from a respective router (Column 16, lines 47-56) for the purpose of server control and load balancing.

It would have been obvious to one having ordinary skill in the art at he time of the applicant's invention to modify the teachings of Bacon in view of Tulpule with the specifics of computing performance statistics of a router queue and said one or more initiators, a performance statistic including a total response time from dispatching of a work task from that router queue at said first processing node to an initiator at said second processing node, and the receipt of the completed work task at the router queue from that initiator (Column 10, lines 17-30), said total response time used to determine the performance of an initiator and categorize the initiator performance for determining said one or more initiators best suited to execute said one or more tasks and wherein said best performing initiators are given priority for receiving new tasks from a respective router, as taught by DeBettencourt, because this allows server control and load balancing.

Lastly, Eng teaches objects instantiated by an initiator with a generic class name passed to the initiator by said router but having a different implementation specific to a node (Para 26) for the purpose of specializing each object.

It would have been obvious to one having ordinary skill in the art at he time of the applicant's invention to modify the teachings of Bacon in view of Tulpule further in view of DeBettencourt with the specifics of objects instantiated by an initiator with a generic class name passed to the initiator by said router but having a different implementation specific to a node, as taught by Eng, because this specializes each object.

6.   As per claim 31, Bacon teaches determining one or more initiators at a second processing node best suited to execute said one or more tasks and dispatching said one or more tasks to said best suited one or more initiators for execution (Abstract; Column 8, lines 15-40; Column 11, lines 5-23).

Response to Arguments

7.   Applicant's arguments filed on 5/4/2009 have been fully considered but are not persuasive.

8.   In the remark, the applicant argued that:

i)   Bacon does not teach a router device for receiving and distributing a specific task of a particular class of work.

ii)   Bacon does not teach dynamically registering with a router to indicate

readiness to accept work for processing

The Examiner respectfully disagrees with the applicant. As to point:

i)   Bacon teaches an engine that routes a given work item to the appropriate

actor in Column 4, lines 50-55. The engine corresponds to the router device--it

receives and send/distribute work.

ii)   Column 7, lines 1-13, here Bacon specifically teaches that once a

participant selects a work item, the selection causes a message to be sent to the

server, which in response causes the server to distribute the selected work item

to the participant. Therefore by sending the message, the participant is indicating

that it is ready to accept the selected work item to process.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MENGYAO ZHE whose telephone number is (571)272-

6946. The examiner can normally be reached on Monday Through Friday, 7:30 - 5:00

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195